REMARKS

Claims 1-7, 9-16, and 18-30 are pending in the application.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-7, 9-16, 18-20, and 22-31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,615,409 issued to Forssen et al. on March 25, 1997 in view of various references.

Rejection Under Forssen and Fukagawa

The Examiner has rejected claims 1-7, 9-16, 18-20, and 22-30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,615,409 issued to Forssen et al. on March 25, 1997 in view of U.S. Patent Number 6,188,913 B1 issued to Fukagawa et al. on February 13, 2001.

Applicants respectfully traverse this ground of rejection.

First, neither Forssen nor Fukagawa teach or suggest applicants' claim 1 limitation that requires that the amount of energy directed in the direction of each of the terminals be a function of 1) the locations and 2) the acceptable receive strengths, of at least two of the terminals.

Instead, Forssen in effect teaches that the amount of energy directed towards a mobile station does **not** depend on the mobile station's location. This can be seen from the fact that channel f1 is broadcast over a wide area, so that a plurality of mobile stations can receive broadcast messages independent of their position, as stated in column 3, lines 53-56.

Applicants note that the Office Action asserts that Forssen teaches applicants' claim 1 limitation in column 4, lines 36-67. However, that section of Forssen actually teaches that a signal received at an antenna array from a mobile station is used to characterize the position of the mobile station as a function of measured power. This is clearly different from, and perhaps the opposite of, what is claimed in applicants' claim 1, because applicants' claim 1 requires that the amount energy directed towards a terminal be a function of 1)

the locations and 2) the acceptable receive strengths, of at least two of the terminals.

The Office Action has cited Fukagawa only for its teaching that the direction of its antenna is in an azimuth direction. Thus, the Office Action seems to indicate, and applicants agree, that Fukagawa does **not** supply the element of applicants' claim 1 that was shown hereinabove **not** to be taught by Forssen. Therefore the combination of Forssen with Fukagawa does not teach or suggest all of the limitations in applicants' claim 1, and therefore claim 1 is allowable over the proposed combination.

Since claims 2-7 and 9 depend from claim 1, these dependent claims are also allowable over the proposed combination.

Independent claims 10 and 18 each have a limitation similar to that of independent claim 1, which was shown is not taught or suggested by the proposed combination of Forssen and Fukagawa. Therefore, claims 10 and 18 are likewise allowable over the proposed combination. Since claims 11-16 depend from claim 10, and claims 19-30 depend from claim 18, these dependent claims are also allowable.

Second, applicants respectfully object to the Examiner taking official notice regarding claims 5, 14, and 24. Applicants' believe that their method of generating a composite EM field to carry a signal to at least two terminals was not common knowledge nor practiced in the art prior to the filing date hereof. Applicants respectfully request that a reference document be cited as the basis for the rejection of applicants' claims.

Rejection Under Forssen, Fukagawa, and Matsuda

Claims 8, 17, and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Forssen in view of Fukagawa and further in view of U.S. Patent Number 5,200,755 issued to Matsuda on April 6, 1993.

Applicants note that this ground of rejection was likely carried over accidentally from the prior Office Action as claims 8, 17, and 31 were canceled in the previous amendment.

Rejection Under Forssen, Fukagawa, and Wong

Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Forssen in view of Fukagawa and further in view of U. S. Patent Number 6,330,460 issued to Wong on December 11, 2001.

This ground of rejection is respectfully traversed for the following reason.

Claim 21 depends on claim 18. As noted hereinabove, the proposed combination of Forssen and Fukagawa does not teach or suggest the requirement of claim 18 that the amount of energy directed in the direction of each of the terminals be a function of 1) the locations and 2) the acceptable receive strengths, of at least two of the terminals. Wong does not teach or suggest the element either. Thus, claim 21 is allowable over the proposed combination under 35 U.S.C. §103(a).

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicants' attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325**.

Respectfully submitted,
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Date: 3/22/05

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Mail Stop Patent Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 22, 2005

Sharon L Lobosco Date March 22, 2005
Sharon L. Lobosco